

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DANIEL OGLESBY,)
Petitioner,)
v.) No. 4:06CV126 AGF
MICHAEL BOWERSOX)
Respondent.)

ORDER

This action came before the Court¹ on petitioner Daniel Oglesby's *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In a Memorandum and Order filed March 12, 2009, the Court denied Petitioner's claims for relief, and Judgment was entered that same date. (Doc. ## 22, 23.) Petitioner has now filed an Application to Proceed Without Prepayment of Costs (Doc. #27), in which he seeks leave to appeal without prepayment of costs. Petitioner has also submitted an Application for Certificate of Appealability (Doc. #27-2) requesting that a certificate of appealability issue on the Court's Judgment.

Petitioner was previously granted leave to proceed in this action *in forma pauperis*. (See Doc. #4.) Inasmuch as such pauper status has not been revoked and no circumstances exist by which Petitioner should not now be entitled to such pauper status, Petitioner may proceed on appeal *in forma pauperis* without further authorization. Fed. R. App. P. 24(a)(3).

To the extent Petitioner requests a Certificate of Appealability on this Court's

¹ All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

adverse Judgment, the undersigned notes that in the Memorandum and Order denying relief, the Court ordered a Certificate of Appealability to issue on the claim raised by Petitioner in his second ground for relief relating to the procedural and substantive issues surrounding the conflict-of-interest claim. (Memo. & Order, Doc. #22 at pp. 22-23.) As such, to the extent Petitioner seeks a Certificate of Appealability on this claim, his instant request should be denied as moot. To the extent Petitioner requests a Certificate of Appealability on the remaining claims in his petition, the request should be denied. As determined by the Court in its Memorandum and Order of March 12, 2009, Petitioner has failed to show that reasonable jurists might find the Court's assessment on such claims to be debatable or wrong. (See id.)

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Application to Proceed Without Prepayment of Costs (Doc. #27) is denied as moot.

IT IS FURTHER ORDERED that Petitioner's Application for Certificate of Appealability (Doc. #27-2) is denied as moot to the extent Petitioner seeks such a certificate on the conflict-of-interest claim raised in Ground 2 of his petition for writ of habeas corpus. In all other respects, the application is denied.



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 9th day of April, 2009.